

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE:

MOTION FOR ADOPTION  
OF COLLATERAL  
FORFEITURE SCHEDULE

Cause No. Misc. No. IP 03-<sup>42</sup>MISC

**ORDER**

The Court now GRANTS the Motion to Adopt Additions to the Collateral Forfeiture Schedule filed by the United States. IT IS HEREBY ORDERED that the collateral forfeiture schedule filed as Exhibit A, representing offenses enforced by the United States Department of Agriculture, Forest Service, and the collateral forfeiture schedule filed as Exhibit B, representing offenses enforced by the Department of the Army, Army Corps of Engineers, are adopted. The current collateral forfeiture schedule in place in this district is amended by the addition of the two collateral forfeiture schedules filed as Exhibit A and Exhibit B to the United States' motion.

ENTERED: June 12, 2023

  
LARRY J. MCKINNEY, CHIEF JUDGE

  
SARAH EVANS BARKER, JUDGE

  
JOHN D. TINDER, JUDGE

  
DAVID F. HAMILTON, JUDGE

  
RICHARD L. YOUNG, JUDGE

EXHIBIT A

# United States District Court Southern District Of Indiana

## OFFENSES COMMITTED WITHIN THE NATIONAL FOREST SYSTEM

### 36 CFR 261 SUBPART A - GENERAL PROHIBITIONS

#### INTERFERING WITH OR GIVING FALSE INFORMATION

261.3 (a)	Threatening, resisting, intimidating, or interfering with any Forest Officer engaged in or on account of the official duties in the protection improvement or administration of the National Forest System.	mand.
261.3 (b)	Giving any false, fictitious or fraudulent report or other information to any forest officer engaged in or on account of the performance of his official duties knowing that such a report or other information contains false, fictitious or fraudulent statement or entry.	\$150.00
261.3(c)	Threatening , intimidating or intentionally interfering with any forest Officer, volunteer or human resource program enrollee while engaged in, or on account of the performance of duties for the protection, improvement or administration of the National Forest System or other duties assigned by the Forest Service.	mand.

#### DISORDERLY CONDUCT

261.4 (a)	Engaging in fighting.	\$200.00
261.4 (b)	Addressing any offensive, derisive or annoying communication to any other person who is lawfully present when such communication has a direct tendency to cause acts of violence by the person to whom, individually the remark is made.	\$100.00
261.4 (c)	Making statement or other actions directed toward inciting or producing imminent lawless action and likely to incite or produce such action.	\$100.00
261.4 (d)	Causing public inconvenience, annoyance or alarm by making unreasonably loud noise.	\$100.00

#### FIRE

261.5 (a)	Carelessly or negligently throwing or placing any ignited substance or other substance that may cause a fire.	\$100.00
261.5 (b)	Firing any tracer bullet or incendiary ammunition..	\$100.00
261.5 (c)	Causing timber, trees, slash, brush or grass to burn except as authorized by permit.	\$100.00
261.5 (d)	Leaving a fire without completely extinguishing it..	\$100.00
261.5 (e)	Allowing a fire to escape from control.	\$100.00
261.5 (f)	Building, attending, maintaining or using a campfire without removing all flammable material from around the campfire adequate to prevent its escape.	\$50.00

### **Timber and other forest products**

261.6(a)	Cutting or otherwise damaging any timber, tree or other forest product, except as authorized by permit, timber sale contract, Federal law or regulation.	\$200.00
261.6(b)	Cutting any standing tree, under permit or timber sale contract, before a forest officer has marked it or has otherwise designated it for cutting.	\$200.00
261.6(c)	Removing any timber or other forest product cut under permit or timber sale contract, except to a place designated for scaling, or removing it from that place before it is scaled, measured, counted or otherwise accounted for by a forest officer.	\$200.00
261.6 (d)	Stamping, marking with paint, or otherwise identifying any tree or other forest product in a manner similar to that employed by forest officers to mark	\$250.00
261.6 (e)	Loading, removing or hauling any timber or other forest product acquired under any permit or timber sale contract unless such product is identified as required in such a permit or contract.	\$200.00
261.6(f)	Selling or exchanging timber or other forest product obtained under free use pursuant to 223.164 through 223.11	\$200.00
261.6(g)	Violating any timber export or substitution restriction in Section 223.160 through Section 223.164	\$200.00
261.6(h)	Removing any timber, tree or other forest product except as authorized by permit, timber sale contract, Federal law or regulation.	\$200.00
261.6(i)	Violating the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620, et seq.), or its implementing regulations at 36 CFR 223.185-223.203.	\$100.00

### **LIVESTOCK**

261.7(a)	Placing or allowing unauthorized livestock to enter or be in the National Forest System or other lands under Forest Service control.	\$50.00/animal
261.7(b)	Not removing unauthorized livestock from National Forest System or other lands under Forest Service control when requested by forest officer.	\$100.00
261.7(c)	Failing to reclose any gate or other entry.	\$50.00
261.7(d)	Molesting, injuring, removing or releasing any livestock impounded under 262.10 while in the custody of the Forest Service or its authorized agents.	\$100.00

### **FISH AND WILDLIFE**

261.8(a)	Hunting, trapping, fishing, catching, molesting, killing or having in possession any kind of wild animal, bird, or fish, or taking the eggs of any such bird.	\$250.00
261.8(b)	Possessing a firearm or other implement designed to discharge a missile capable of destroying animal life.	\$100.00
261.8(c)	Possessing equipment which could be used for hunting, fishing or trapping.	\$100.00
261.8(d)	Possessing a dog not on a leash or otherwise confined.	\$50.00
261.8(e)	Curtail the free movement of any animal or plant life into or out of a cave, except as authorized to protect a cave resource.	\$100.00

## PROPERTY

261.9(a)	Damaging any natural feature or other property of the United States.	\$200.00
261.9(b)	Removing any natural feature or other property of the United States.	\$200.00
261.9(c)	Damaging any plant that is classified as a threatened, endangered, sensitive, rare or unique species.	\$250.00
261.9(d)	Removing any plant that is classified as a threatened, endangered, sensitive, rare or unique species.	\$250.00
261.9(e)	Entering any building, structure or enclosed area owned or controlled by the United States when such building, structure or enclosed area is not open to the public.	\$200.00
261.9(f)	Using any herbicide, pesticide or fungicide except for personal use as an insect repellant or as provided by special-use authorization for minor uses.	\$100.00
261.9(g)	Digging in, excavating, disturbing, injuring, destroying or in any way damaging any prehistoric, historic or archaeological resource, structure, site, artifact or property.	\$200.00
261.9(h)	Removing any prehistoric, historic or archaeological resource, structure, site, artifact or property.	\$200.00
261.9(i)	Excavating, damaging or removing any vertebrate fossil or removing any paleontological resource for commercial purposes without a special use authorization.	\$250.00
261.9(j)	Excavating, damaging or removing any cave resource from a cave without a special-use authorization, or removing any cave resource for commercial purposes.	\$250.00

## OCCUPANCY AND USE

261.10(a)	Constructing, placing or maintaining any kind of road, trail, structure, fence, enclosure, communication equipment or other improvements on National Forest System land or facilities without a special-use authorization, contract or approved operating plan.	\$200.00
261.10(b)	Taking possession of, occupying or otherwise using National Forest System lands for residential purposes without a special-use authorization, or as otherwise authorized by Federal law or regulation.	\$150.00
261.10(c)	Selling or offering for sale any merchandise or conducting any kind of work activity or service unless authorized by Federal law, regulation or special-use authorization.	\$100.00
261.10 (d)	Discharging a firearm or any other implement capable of taking human life, causing injury or damaging property as follows: (1) In or within 150 yards of a residence, building, campsite, developed recreation site or occupied area, or (2) across or on a Forest Development road or a body of water adjacent thereto, or in any manner or place whereby any person or property is exposed to injury or damage as a result of such discharge, or (3) Into or within any cave.	\$150.00
261.10(e)	Abandoning any personal property.	\$100.00
261.10(f)	Placing a vehicle or other object in such a manner that it is an impediment or hazard to the safety or convenience of any person.	\$100.00
261.10(g)	Commercial distribution of printed material without a special-use authorization.	\$100.00

261.10(h)	When commercially distributing printed material, delaying, halting, or preventing administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands: misrepresenting the purposes or affiliations of those selling or distributing material: or misrepresenting the availability of the material without cost.	\$100.00
261.10(i)	Operating or using in or near a campsite, developed recreation site, or over an adjacent body of water without a permit, any device which produces noise, such as a radio, television, musical instrument, motor or engine in such a manner and at such a time so as to unreasonably disturb any person.	\$100.00
261.10(j)	Operating or using a public address system, whether fixed, portable or vehicle mounted, in or near a campsite, developed recreation site, or over an adjacent body of water without a special-use authorization.	\$100.00
261.10(k)	Use or occupancy of National Forest System land or facilities without special-use authorization when such authorization is required.	\$100.00
261.10(l)	Violating any term or condition of a special-use authorization, contract or approved operating plan.	\$100.00
261.10(m)	Failing to stop a vehicle when directed to do so by a Forest Officer.	\$100.00
261.10(n)	Failing to pay any special use fee or other charges as required.	\$75.00
261.10(o)	Discharging or igniting a firecracker, rocket or any other firework, or explosive into or within any cave.	\$100.00

#### **SANITATION**

261.11(a)	Depositing in any toilet, toilet vault or plumbing fixture any substance which could damage or interfere with the operation or maintenance of the fixture.	\$100.00
261.11(b)	Possessing or leaving refuse, debris or litter in an exposed or unsanitary condition.	\$150.00
261.11(c)	Placing in or near a stream, lake or other water any substance which does or may pollute a stream, lake or other waterway.	\$150.00
261.11(d)	Failing to dispose of all garbage, including any paper, can, bottle, sewage, waste water or material, or rubbish either by removal from the site or area, or by depositing it into receptacles or at places provided for such purposes.	\$100.00
261.11 (e)	Dumping of any refuse, debris, trash or litter brought as such from private property or from other land occupied under permit, except, where a container dump, or similar facility has been provided and is identified as such, to receive trash generated from private lands or occupied under permit.	\$250.00

#### **FOREST DEVELOPMENT ROADS AND TRAILS**

261.12(a)	Violating the load, weight, height, length or width limitations prescribed by State law, except by special-use authorization or written agreement or by order issued under 261.54 of this Chapter.	\$100.00
261.12(b)	Failing to have a vehicle weighed at a Forest Service weighing station, if required by a sign.	\$100.00
261.12(c)	Damaging and leaving in a damaged condition any such road, trail, or segment thereof.	\$150.00
261.12(d)	Blocking, restricting or otherwise interfering with the use of a road, trail or gate.	\$100.00

#### USE OF VEHICLES OFF ROADS

261.13(a)	Without a valid license as required by State law.	\$100.00
261.13(b)	Without an operable braking system.	\$100.00
261.13(c)	From one-half hour after sunset to one-half hour before sunrise unless equipped with working head and taillights.	\$100.00
261.13(d)	In violation of any applicable noise emission standard established by any Federal or State agency.	\$100.00
261.13(e)	While under the influence of alcohol or other drug.	mand
261.13(f)	Creating excessive or unusual smoke.	\$75.00
261.13(g)	Carelessly, recklessly or without regard for the safety of any person, or in a manner that endangers or is likely to endanger, any person or property.	\$150.00
261.13(h)	In a manner which damages or unreasonably disturbs the land, wildlife or vegetative resources.	\$150.00
261.13(i)	In violation of State law established for vehicles used off roads.	\$100.00

#### DEVELOPED RECREATION SITES

261.14(a)	Occupying any portion of the site for other than recreation purposes.	\$100.00
261.14(b)	Building, attending, maintaining or using a fire outside of a fire ring provided by the Forest Service for such purpose or outside of a stove, grill or fireplace.	\$100.00
261.14(c)	Cleaning or washing any personal property, fish, animal or food, or bathing or washing at a hydrant or water faucet not provided for that purpose.	\$100.00
261.14(d)	Discharging or igniting a firecracker, rocket or other firework or explosive.	\$100.00
261.14(e)	Occupying between 10p.m. and 6a.m. a place designated for day use only.	\$75.00
261.14(f)	Failing to remove all camping equipment or personal property when vacating the area or site.	\$100.00
261.14(g)	Placing, maintaining or using camping equipment except in a place specifically designated or provided for such equipment.	\$75.00
261.14(h)	Without permission, failing to have at least one person occupy a camping area during the first night after camping equipment has been set up.	\$50.00
261.14(i)	Leaving camping equipment unattended for more than 24 hours without permission.	\$50.00
261.14(j)	Bringing in or possessing an animal, other than a seeing eye dog, unless it is crated, caged or upon a leash not longer than six feet, or otherwise under physical restrictive control.	\$50.00
261.14(k)	Bringing in or possessing in a swimming area an animal, other than a seeing eye dog.	\$50.00
261.14(l)	Bringing in or possessing a saddle, pack or draft animal, except as authorized by posted instructions.	\$50.00
261.14(m)	Operating or parking a motor vehicle or trailer except in places developed or designated for this purpose	\$50.00

261.14(n)	Operating a bicycle, motorbike or motorcycle on a trail unless designated for this use.	\$50.00
261.14(o)	Operating a motorbike, motorcycle or other motor vehicle for any purpose other than entering or leaving the site.	\$50.00
261.14(p)	Depositing any body waste except into receptacles provided for that purpose.	\$75.00

#### **ADMISSION RECREATION USE AND SPECIAL RECREATION PERMIT FEES**

261.15	Failing to pay any fee established for admission or entrance to, or use of a site, facility, equipment, or service furnished by the United States. The Maximum fine shall not exceed \$100.	\$50.00
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#### **NATIONAL FOREST WILDERNESS**

261.16(a)	Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation	\$150.00
261.16(b)	Possessing or using a hang glider or bicycle	\$100.00
261.16(c)	Landing of aircraft, or dropping or picking up of any material, supplies or person by means of aircraft, including a helicopter	\$150.00

#### **UNAUTHORIZED USE OF "SMOKEY BEAR" AND WOODSEY OWL" SYMBOLS**

261.20(a)	Manufacture, importation, reproduction or use of "Smokey Bear" except as provided under 272.2, 272.3 or 272.4 is provided.	mand.
261.20(b)	Manufacture, importation, reproduction or use of "Woodsey Owl" except as provided under 272.2, 272.3, or 272.4 is provided.	mand.

#### **36 CFR 261 SUBPART B - PROHIBITIONS IN AREAS DESIGNATED BY ORDER OF REGIONAL FORESTER OR THE FOREST SUPERVISOR**

##### **FIRE**

261.52(a)	Building, maintaining, attending or using a fire, campfire or stove fire	\$100.00
261.52(b)	Using an explosive	\$100.00
261.52(c)	Smoking	\$100.00
261.52(d)	Smoking - except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials.	\$100.00
261.52(e)	Going into or being upon an area	\$100.00
261.52(f)	Possessing, discharging or using any kind of firework or other pyrotechnic device.	\$100.00
261.52(g)	Entering an area without any firefighting tool prescribed by the order	\$100.00
261.52(h)	Operating an internal combustion engine	\$100.00
261.52(i)	Welding or operating an acetylene or other torch with an open flame.	\$100.00



261.52(j)	Operating or using any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a).	\$100.00
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261.52(k)	Violating any State Law specified in the order concerning burning, fires or which is for the purpose of preventing or restricting the spread of fires.	\$100.00
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#### SPECIAL CLOSURES

261.53 - (a-f)	Threatened, endangered, rare, unique or vanishing species of plants, animals birds or fish: (b) Special biological communities: (c) Objects or areas of historical, archaeological, geological or paleontological interest: (d) Scientific experiments or investigations: (e) Public health or safety: (f) Property.	\$250.00
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#### FOREST DEVELOPMENT ROADS

261.54(a)	Using any type of vehicle prohibited by the order.	\$200.00
261.54(b)	Use by any type of traffic prohibited by the order	\$100.00
261.54(c)	Using a road for commercial hauling without a permit or written authorization	\$150.00
261.54(d)	Operating a vehicle in violation of the speed, load, weight, height, length, width or other limitation specified by the order	\$100.00
261.54(e)	Being on the road.	\$100.00
261.54(f)	Operating a vehicle carelessly, recklessly or without regard for the rights or safety of other persons or in a manner or at a speed that would endanger or be likely to endanger any person or property.	\$150.00

#### FOREST DEVELOPMENT TRAILS

261.55(a)	Being on the trail.	\$75.00
261.55(b)	Using any type of vehicle prohibited by the order.	\$150.00
261.55(c)	Use by any type of traffic or mode of transport prohibited by the order.	\$75.00
261.55(d)	Operating a vehicle in violation of the width, weight, height, length or	\$100.00
261.55(e)	Shortcutting a switchback in a trail.	\$100.00

#### USE OF VEHICLES OFF FOREST DEVELOPMENT ROADS

261.56	When provided by an order, it is prohibited to possess or use a vehicle off forest development roads.	\$150.00
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#### NATIONAL FOREST WILDERNESS

261.57(a)	Entering or being in the area.	\$50.00
261.57(b)	Possessing camping or pack-out-fitting equipment, as specified in the order.	\$50.00
261.57(c)	Possessing a firearm or firework.	\$100.00
261.57(d)	Possessing any non-burnable food or beverage containers including deposit bottles, except for non-burnable containers designed and intended for repeated use.	\$50.00

261.57(e)	Grazing	\$50.00
261.57(f)	Storing equipment, personal property or supplies.	\$100.00
261.57(g)	Disposing of debris, garbage or other waste.	\$150.00
261.57(h)	Possessing or using a wagon, cart or other vehicle.	\$150.00

#### OCCUPANCY AND USE

261.58(a)	Camping for a period longer than allowed by the order.	\$75.00
261.58(b)	Entering or using a developed recreation site or portion thereof.	\$50.00
261.58(c)	Entering or remaining in a campground during night periods described in the order except for persons who are occupying such campgrounds.	\$75.00
261.58(d)	Occupying a developed recreation site with prohibited camping equipment prescribed by the order.	\$50.00
261.58(e)	Camping.	\$50.00
261.58(f)	Using a campsite or other area described in the order by more than the number of users allowed by the order.	\$50.00
261.58(g)	Parking or leaving a vehicle in violation of posted instructions.	\$50.00
261.58(h)	Parking or leaving a vehicle outside a parking space assigned to one's own camp unit.	\$50.00
261.58(i)	Possessing, parking or leaving more than two vehicles, except motorcycles or bicycles per camp unit.	\$50.00
261.58(j)	Being publicly nude.	\$75.00
261.58(k)	Entering or being in a body of water.	\$50.00
261.58(l)	Being in the area after sundown or before sunrise.	\$50.00
261.58(m)	Discharging a firearm, air rifle or gas gun.	\$75.00
261.58(n)	Possessing or operating a motorboat.	\$75.00
261.58(o)	Water skiing	\$50.00
261.58(p)	Storing or leaving a boat or raft.	\$100.00
261.58(q)	Operating any watercraft in excess of a posted speed limit.	\$75.00
261.58(r)	Launching a boat or raft except at a designated launching ramp.	\$50.00
261.58(s)	Possessing, storing or transporting any bird, fish or other animal or parts thereof, as specified in the order.	\$75.00
261.58(t)	Possessing, storing or transporting any part of a tree or other plant, as specified in the order.	\$150.00
261.58(u)	Being in the area between 10 p.m. and 6 a.m. except for persons who are occupying such campgrounds.	\$50.00
261.58(v)	Hunting or fishing	\$150.00
261.58(w)	Possessing or transporting any motor or mechanical device capable of propelling a watercraft through water by any means.	\$100.00

261.58(x)	Using any wheel, roller or other mechanical device for the overland transportation of any watercraft.	\$100.00
261.58(y)	Landing of aircraft or dropping or picking up any material, supplies or person by means of an aircraft, including a helicopter.	\$100.00
261.58(z)	Entering or being on lands or water within the boundaries of a component of the National Wild and Scenic Rivers System.	\$100.00
261.58(aa)	Riding, hitching, tethering or hobbling a horse or other saddle or pack animal in violation of posted instructions.	\$100.00
261.58(bb)	Possessing a beverage which is defined as an alcoholic beverage by State law.	\$100.00
261.58(cc)	Possessing or storing any food or refuse, as specified by the order.	\$75.00
261.58(dd)	[Reserved]	
261.58(ee)	Depositing any body waste in caves except into receptacles provided for that purpose	\$100.00

EXHIBIT B

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

SECTION III: Corps of Engineers Violations (C.F.R. 1980)

Title 36, Chapter III  
Code of Federal Regulations  
This Section Amends Previous  
Corps of Engineers Violations

<u>OFFENSE</u>	<u>COLLATERAL FORFEITURE</u>
36 CFR 327.1 Policy (discriminatory practices prohibited).....	\$ 50.00
36 CFR 327.2 (b) Motor vehicles (parking on boat launching ramps, turn-around zones, failure to heed signs on traffic control devices).....	\$ 50.00
Other parking and access violations ....	\$ 25.00
36 CFR 327.2 (c) Motor vehicles (off road operation).....	\$ 50.00
36 CFR 327.2 (d) Motor vehicles (operation not in accordance with posted regulations).....	\$ 50.00
36 CFR 327.2 (e) Motor vehicles (careless, negligent, or reckless operation).....	\$ 50.00
36 CFR 327.2 (f) Motor vehicles (ingress and egress in developed recreation areas).....	\$ 50.00
36 CFR 327.2 (g) Motor vehicles (defective muffler).....	\$ 50.00
36 CFR 327.3 Vessels.....	\$ 50.00
36 CFR 327.4 Aircraft.....	\$ 50.00
36 CFR 327.5 Swimming .....	\$ 50.00
36 CFR 327.6 Picnicking.....	\$ 50.00
36 CFR 327.7 Camping.....	\$ 50.00

OFFENSEFORFEITURE

36 CFR 327.8	Hunting, Fishing, Trapping.....	\$ 50.00
36 CFR 327.9	Sanitation .....	\$ 100.00
36 CFR 327.10	Fires.....	\$ 50.00
36 CFR 327.11	Control of animals (each violation is separate offense) (each day).....	\$ 50.00
36 CFR 327.12	Restrictions.....	\$ 50.00
36 CFR 327.13	Explosive, firearms, other weapons and fireworks.....	\$ 50.00
36 CFR 327.14	Public Property.....	\$ 100.00
36 CFR 327.15	Abandoned personal property.....	\$ 50.00
36 CFR 327.16	Lost and found articles.....	\$ 50.00
36 CFR 327.17	Advertisements.....	\$ 50.00
36 CFR 327.18	Commercial Activities.....	\$ 50.00
36 CFR 327.19	Permits.....	\$ 50.00
36 CFR 327.20	Unauthorized Structures.....	\$ 50.00
36 CFR 327.21	Special Events.....	\$ 50.00
36 CFR 327.22 (a)	Unauthorized occupation (as resident) (each day is separate violation) .....	\$ 50.00
36 CFR 327.22 (b)	Unauthorized occupation (agricultural, ranging, grazing) (each day).....	\$ 50.00
36 CFR 327.23	Recreation Use Fees (failure to pay).....	\$ 50.00
36 CFR 327.24	Interference with Government employees.....	Mandatory Appearance
36 CFR 327.26	State and local laws.....	\$ 50.00